



1648
#18
AP
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
THOMAS BOCK
HANS TILLMAN
MICHAEL MANNS
CHRISTIAN TRAUTWEIN
STEPHEN ALISTER LOCARNINI
JOSEPH TORRESI

Group Art Unit: 1648

Examiner: Bao Q. Li

Atty. Dkt. No.: 4421.000200
(formerly 4420.000600)

Customer No.: 23720

Serial No.: 09/877,340

Filed: June 8, 2000

For: VIRAL VARIANTS AND USES
THEREFOR

RECEIVED
SEP 11 2003
TECH CENTER 1600/2900

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Station Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 8, 2003

Date

Mark D. Moore

In the Notice to Comply dated August 27, 2003, the Examiner indicates that the communication filed on 12/31/2002 was not fully responsive to the communication mailed 1/22/2002 [sic: 12/2/2002]. However, on March 24, 2003, Applicants responded to another Notice to Comply re Sequence Listing which was mailed February 25, 2003, and submitted a substitute sequence listing. During a teleconference on September 4, 2003, the undersigned was informed that the Office could not locate the documents which were mailed on March 24, 2003. Therefore, enclosed herewith are copies of the following documents which were originally mailed on March 24, 2003:

- (a) Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (mailed to PTO 3/24/03);
- (b) Statement as Required Under 37 C.R.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g) and Sequence Listing (on paper and computer disk);
- (c) Fourth Preliminary Amendment; and
- (d) the postcard indicating receipt by the PTO on March 31, 2003.

Also enclosed is a new computer disk containing the latest version of the sequence listing and a copy of the Notice to Comply dated August 23, 2003.

It is believed that no fee is required in connection with this document. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Assistant Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4421.000200.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON
CUSTOMER NO. 23720

Date: September 8, 2003



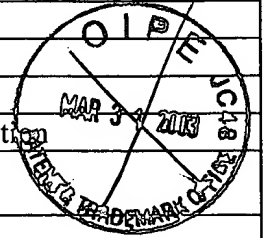
Mark D. Moore
Reg. No. 42,903
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4084
(713) 934-7011 (facsimile)

AGENT FOR APPLICANTS



Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New Application For:		Priority Date:
<input type="checkbox"/> Foreign priority already claimed		<input type="checkbox"/> Nonpublication Request
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings: Sheets
<input checked="" type="checkbox"/> Response to Office Action Dated: FEB. 25, 2003 (Notice to Comply)		<input type="checkbox"/> Final Rejection
<input type="checkbox"/> Other:		
<input type="checkbox"/> Assignment Enclosed	<input checked="" type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail:



IDENTIFICATION OF APPLICATION

Serial No.: 09/877,340	
Title: VIRAL VARIANTS AND USES THEREFOR	
Applicant: THOMAS BOCK et al.	Att'y/Agent: MDM
Client: INNOGENETICS NV	File No.: 4421.000200
Mailed: MARCH 24, 2003	Filed: Due Date: MARCH 25, 2003

DOCKET REFERENCE NO.: 4421.000200
APPLICANT: Thomas Bock, Hans Tillman,
Michael Manns, Christian Trautwein, Stephen
Alistar Locarmini and Joseph Torresi
TITLE: VIRAL VARIANTS AND USES
THEREFOR

SERIAL NO. 09/877,340

DATE RECORDED ON DISKETTE: 24 MAR 2003

COMPUTER: IBM PC COMPATIBLE

OPERATING SYSTEM: PC-DOS/MS-DOS/ASCII

SOFTWARE: PatentIn version 3.1

DISK M/

CAUTION

Do not bend or fold

Avoid exposure to all magnetic fields



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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17

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to [Bao Qun Li] whose telephone number is (703) [305-1695]. The examiner can normally be reached on [6:30 am - 4:00 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [Jamed Housel] can be reached at (703) [703-308-4027]. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Bao Qun Li



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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17

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

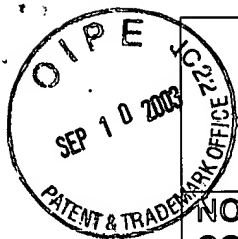
The communication filed on 12/31, 2002 is not fully responsive to the Office communication mailed 1/22/2002 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Bao Qun Li, Art Unit 1648, whose telephone number is (703) [703-305-1695].

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Baoqun Li



Notice to Comply

Application No.	Applicant(s)	
Examiner	Art Unit	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: comply the sequence rule according to the error report

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support

Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

Sequence Listing
BOOKED
FOR 9.26.03
BY
CHKD BY
(30 days)